IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9793 of 2005
With
SPECIAL CIVIL APPLICATION No. 9794 of 2005
To
SPECIAL CIVIL APPLICATION No. 9806 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MITUL (THALTEJ) COMPLEX PVT LTD - Petitioner(s)

Versus

STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR AS VAKIL for Petitioner(s) : 1,
MR MR MENGADE AND MR PD BHATE ASST GOVERNMENT PLEADER for Respondent(s) : 1,
None for Respondent(s) : 2,
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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 19/09/2005

COMMON ORAL JUDGMENT

1. In these petitions, the respective petitioners have challenged the show cause notice dated 8.12.04

issued by the District Collector whereby each petitioner is called upon to show cause as to why the entry in question should not be canceled. It appears from the record that similar show cause notice dated 8th December, 2004 issued by the very District Collector came to be challenged by one another petitioner Ganeshnagar Infrastructure Pvt Ltd and the learned Single Judge of this Court (Coram : Jayant Patel, J.) by order dated 28.12.04 has dismissed the said Special Civil Application No.16899 of 2004 as the same was at the show cause notice stage. It is not in dispute that in the said Special Civil Application, show cause notice was similar and identical to that of the show cause notice which are impugned in the present Special Civil Applications. Under the circumstances, the present Special Civil Applications are not required to be entertained. At this stage, Shri A.S.Vakil, learned advocate appearing on behalf of the respective petitioners has submitted that against the order passed by the learned Single Judge of this Court rendered in Special Civil Application No. 16899 of 2004, a

Letters Patent Appeal being LPA No.153 of 2005 with Civil Application No. 973 of 2005 is preferred and the said Letters Patent Appeal is already heard and the order is awaited. In that view of the matter, it is observed that the parties to abide by the order that may be passed by the Division Bench of this Court in L.P.A. No. 153 of 2005 with Civil Application No.973 of 2005 and such an order of the Division Bench will be applicable to the present petitioners and respondents also. Until the decision in L.P.A. No.153 of 2005 with Civil Application No.973 of 2005, the Collector, Ahmedabad is directed not to proceed further with the show cause notice and await till the decisions of the Division Bench of this Court in aforesaid L.P.A. with Civil Application. It goes without saying that if the appellant of the aforesaid L.P.A. No. 153 of 2005 and petitioners herein are aggrieved by the decision in aforesaid L.P.A., it is always subject to challenge before the higher forum.

2. With aforesaid observations and directions, present Special Civil Applications stand disposed of accordingly.

(M.R.SHAH, J.)

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